

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION

Eric David Jeter, #152640,)	C/A No.: 9:11-cv-1149-JFA
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
Lieutenant L'Amanda Smith, Officer)	
NFN Hanna, Officer T. Smith, Head)	
Nurse Nancy NLN, Major NFN Norris,)	
Captain NFN Brunson, Sgt. NFN)	
Flemming, Officer NFN Eaddy,)	
Lieutenant NFN Brown, individually)	
and in their official capacities,)	
)	
Defendants.)	
)	

This matter comes before the court on the plaintiff's objections to a United States Magistrate Judge's Report and Recommendation ("R&R"). The Magistrate Judge assigned to this action¹ has prepared a Report and Recommendation wherein he suggests that the defendants' Motion for Summary Judgment should be granted. Having reviewed the entire record, including Plaintiff's objections, the court finds that the Magistrate Judge fairly and accurately summarized the facts and applied the correct principles of law. Accordingly, the court adopts the R&R and fully incorporates it into this order.

¹ The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

Plaintiff filed his Complaint on May 12, 2011. In his Complaint, Plaintiff alleges a number of violations of his constitutional rights by the named defendants. In the R&R, the Magistrate Judge has provided a thorough summary of the plaintiff's allegations, which touch on a wide range of topics, including the following: failure to check blood pressure daily, placement of Plaintiff on medical lock down, harassment and retaliation, inadequate windows in cells leading to spider bites, inadequate toilet facilities, distribution of dirty food trays, issuance of dirty sheets and jumpsuits, charging inmates for access to law library, and cell searches without inmates present. Plaintiff has requested both injunctive relief and monetary damages for his claims.

Defendants filed their Motion for Summary Judgment on October 26, 2011. (ECF No. 41). The Magistrate Judge issued a *Roseboro* Order advising the plaintiff of the importance of a motion for summary judgment and of the need for him to file an adequate response. In response, Plaintiff filed a Motion to Appoint Counsel (ECF No. 44), but his request was denied by the Magistrate Judge. Thereafter, Plaintiff was given a 10-day extension to file a response to the Motion for Summary Judgment. He filed his Response in Opposition on December 14, 2011. (ECF No. 49).

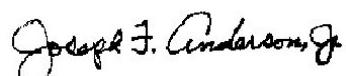
After reviewing the plaintiff's objections to the R&R, this court finds that the plaintiff's objections are merely duplicative of the issues that were presented to and addressed by the Magistrate Judge. Although Plaintiff asserts that the Magistrate Judge has misconstrued the Plaintiff's allegations, this court finds that the Magistrate Judge has properly considered all of the plaintiff's allegations and that none of the plaintiff's objections are sufficient to show a constitutional violation by the named defendants. As

to the plaintiff's suggestion that the Magistrate Judge is biased, the court finds this allegation to be wholly without merit. Having reviewed the record in light of the plaintiff's objections and under the appropriate standards, the court adopts the Report and concurs with both the reasoning and the result reached by the Magistrate Judge.

The court hereby grants the defendants' Motion for Summary Judgment and dismisses the plaintiff's complaint without prejudice for failure to state a claim.

IT IS SO ORDERED.

May 3, 2012
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge